



EAST OF HUDSON WATERSHED CORPORATION

EXECUTIVE COMMITTEE MEETING

LOCATION: Business Office: 2 Route 164, Patterson, NY 12563

TIME and DATE: 9:30 AM, Thursday, July 23, 2015

Meeting Minutes

1) Open Meeting

In Attendance: Michael Griffin (Town of Patterson); Warren Lucas (Town of North Salem); Chris Burdick (Town of Bedford); Peter Parsons (Town of Lewisboro); Bruce Walker (Putnam County); George Rodenhausen (Corporate Counsel); Vincent Giorgio (NYCDEP); Antonino Modica (NYCDEP); Kevin Fitzpatrick (EOHWC); Joanne Tavino (EOHWC); John Belyea (EOHWC); Linda Matera (EOHWC); Yvette Rivera (EOHWC)

2) Approve Meeting Minutes

Motion by Director Lucas, seconded by Director Burdick to approve the Executive Committee Meeting Minutes of June 25, 2015 as presented; all in favor.

3) Financial Update

Joanne Tavino provided an update of the East of Hudson Watershed Corporation year-to-date finances. Director Griffin inquired about the status of the DEP funding. Vincent Giorgio reported that required documents have been provided and the invoice has been submitted. Director Burdick requested a report of projects that we anticipate completing in 2015 to be provided Kevin Fitzpatrick and Joanne Tavino that details a project status along with a financial update of those projects.

4) Personnel Policy

Yvette Rivera discussed that changes were made to the general language and formatting for clarification and consistency.

Upon the Executive Committee's review of the changes, Director Lucas advised that Article: 3-8 specify 10 days, as the number of paid holidays. In addition, Director Parsons recommended that Article: 3-10 be revised by eliminating reference to paying up to 30 days of jury duty.

Motion by Director Burdick, seconded by Director Lucas recommended adoption of the revised Personnel Policy with revisions as specified to be presented at Board of Directors Meeting on August 11, 2015; all in favor.

5) Project Update

Kevin Fitzpatrick reported that we are currently on track for 475 kilograms of phosphorus removal including several projects that we may have trouble completing in 2015 calendar year such as SE-POT-02. Kevin reported that we are currently awaiting eight of the nine signed easements for the Brewster Heights project which would contribute 22 kilograms of phosphorus removal to the goal. Without the completion of this project in 2015, we will not meet the required 459 kilograms of phosphorus removal.

Director Lucas informed Kevin of a potential project in North Salem, although not high in terms of phosphorus removal, may contribute to helping achieve the goal.

Kevin recommended we send a letter notifying the DEC that we anticipate falling short of the expected phosphorus removal goal. Director Burdick inquired why we are falling short of our goal. Kevin explained that there was an aggressive hope that we would meet the goal; however, as we went out to bid in March and worked through the projects, some of the projects turned out to not be viable.

Cancellation of Projects

NewC-NCR-05A and NewC-NCR-05B

Kevin reported two projects in the New Castle School District have been postponed due to O & M issues. Both are viable projects; however an agreement must be reached with New Castle regarding the O & M in order to move forward.

PC-22

The project on Peaceable Hill Road has been cancelled at the 10% design stage due to its interference with the Village Farmer's Market. The Village of Brewster is not willing to entertain the idea of relocating it temporarily during the course of construction.

Kent-PA-31

Due to seizure of the property by the bank, the project on the property of Putnam Stone and Gravel has been cancelled. Svoboda Bulldozing and Trucking Corporation is requesting reimbursement in the amount of \$1,360 for the contract bond associated with the project.

Motion by Director Lucas, seconded by Director Burdick to pay Svoboda Bulldozing and Trucking Corporation in the amount of \$1,360.00 for the cost of the contract bond associated with Putnam Stone and Gravel Project in Kent.

Approval of Initial Evaluations

Kevin discussed the subsurface infiltration project on the grounds of the Holmes Whatley Lake Civic Association (PW-343). The phosphorus reduction is 3.35 Kg/yr with an estimated efficiency of \$67,000/Kg. It was recommended we move forward with the project.

Approval of Negative Declaration for PW-343

Motion by Director Burdick, seconded by Director Lucas to approve the SEQRA Negative Declaration for PW-343; all in favor.

WHEREAS, EOHWC is considering undertaking the installation of a stormwater retrofit project in the Town of Pawling involving construction of a subsurface infiltration system to be installed on the grounds of the Holmes Whaley Lake Civic Association, located at 245 Route 292 in the Town of Pawling, with a small portion of the project proposed to be installed with the NYSDOT right-of-way; and

WHEREAS, the Executive Committee of EOHWC has reviewed the Short Environmental Assessment Form dated 7/23/15 and all relevant environmental information related to the proposed project;

NOW THEREFORE IT IS HEREBY RESOLVED, by the Executive Committee of the Board of Directors of the East of Hudson Watershed Corporation that it:

1. Classifies the project as an unlisted action under SEQRA; and
2. Adopts a determination of non-significance, determining that the proposed action will not result in any significant adverse impacts on the environment and that a Draft Environmental Impact Statement will not be prepared.

Approval of Negative Declaration for PW-342A

Motion by Director Burdick, seconded by Director Lucas to approve the SEQRA Negative Declaration for PW-342A; all in favor.

WHEREAS, EOHWC is considering undertaking the installation of a stormwater retrofit project in the Town of Pawling on the property of the Pawling Fire District involving for the retrofit and rehabilitation of a pocket pond at 350 Route 292, Town of Pawling; stormwater runoff from the drainage area is conveyed to an existing pocket pond located at the northeast corner of the property; and

WHEREAS, the Executive Committee of EOHWC has reviewed the Short Environmental Assessment Form dated 7/23/15 and all relevant environmental information related to the proposed project;

NOW THEREFORE IT IS HEREBY RESOLVED, by the Executive Committee of the Board of Directors of the East of Hudson Watershed Corporation that it:

1. Classifies the project as an unlisted action under SEQRA; and
2. Adopts a determination of non-significance, determining that the proposed action will not result in any significant adverse impacts on the environment and that a Draft Environmental Impact Statement will not be prepared.

Approval of Negative Declaration for PW-342B

Motion by Director Burdick, seconded by Director Lucas to approve the SEQRA Negative Declaration for PW-342B; all in favor.

WHEREAS, EOHWC is considering undertaking the installation of a stormwater retrofit project in the Town of Pawling on the property of the Holmes Whaley Lake Civic Association involving the construction of a new pocket pond; and

WHEREAS, the Executive Committee of EOHWC has reviewed the Short Environmental Assessment Form dated 7/23/15 and all relevant environmental information related to the proposed project;

NOW THEREFORE IT IS HEREBY RESOLVED, by the Executive Committee of the Board of Directors of the East of Hudson Watershed Corporation that it:

1. Classifies the project as an unlisted action under SEQRA; and
2. Adopts a determination of non-significance, determining that the proposed action will not result in any significant adverse impacts on the environment and that a Draft Environmental Impact Statement will not be prepared.

Kent-MB-311B

Kevin Fitzpatrick discussed the Agreement for Installation of and Reimbursement for Kent-MB-311B between East of Hudson Watershed Corporation and Camarda Realty Holding Corp. The intention is to reimburse Paul Camarda \$90,000 per kilogram, not to exceed \$540,000 for the removal and excavation of soil on the site. In addition, it covers the installation of the project. Kevin recommended approving it pending the completion which is the discussion of easements and whether or not Paul Camarda agrees to pick up the maintenance. It was requested that the Board accept the agreement as is with the addition of the maintenance and easement discussion.

Motion by Director Burdick, seconded by Bruce Walker to approve the Agreement for Installation of and Reimbursement for Stormwater Retrofit Project Kent-MB-311B; all in favor.

6) Resolution to Approve Change Order for L-CR-14 and L-CR-16

Kevin discussed the closeout of the project which was brought to 100% design. A change order was requested from Weston and Sampson to officially closeout the project so that the committed funds could be freed up. Director Burdick suggested that in subsequent resolutions the cancellation wording appear in the last paragraph.

Motion by Director Burdick, seconded by Director Parsons to approve Change Order for L-CR-14 and L-CR-16; all in favor.

WHEREAS, Weston & Sampson submitted proposed change order request for L-CR-14 and L-CR-16 in project group #3 of the first five year retrofit plan; and

WHEREAS, the proposed change order request for L-CR-14 (Town Highway Garage) was for a reduction of \$1,720 for detailed design services and a reduction of \$17,000 for construction phase services, due to the cancellation of the project by EOHWC at 95% design completion; and

WHEREAS, the proposed change order request for L-CR-16 (Old Pond Road) was for an increase of \$4,500 for additional detailed design services due to field conditions, and was for a reduction of \$1,170 for detailed design services and a reduction of \$16,000 for construction phase services, due to the cancellation of the project by EOHWC at 95% design completion; and

WHEREAS, on April 23, 2015, the Executive Committee denied the requested change order for an increase in engineering fees of \$4,500; and

WHEREAS, Weston & Sampson has accepted the April 23, 2015 denial of the requested increase of \$4,500 and requested final payment based on the remainder of the change order as stated above;

NOW THEREFORE IT IS HEREBY RESOLVED, by the Executive Committee of the Board of Directors of the East of Hudson Watershed Corporation that it approves the decreases in change order request #3 from Weston & Sampson, dated January 21, 2015 in the total number of \$35,890 and reaffirms its denial of the requested increase of \$4,500.

Resolution to Approve Change Order for PW-343

Kevin explained that Change Order No. 1 from Hahn Engineering accounts for the need to address the NYSDOT permitting needs for PW-343. The total cost to obtain the permits is \$5,265.

Motion by Director Burdick, seconded by Director Parsons to approve change order from James J. Hahn Engineering, P.C. for PW-343 for additional permitting work in the amount of \$5,265; all in favor.

WHEREAS, James J. Hahn Engineering, P.C. submitted change order request Number 1 dated 7-6-15 for an additional \$5,265 for PW-343 in project group 2015-06 of the first five year retrofit plan; and

WHEREAS, PW-343 is located on property of the Holmes Whaley Lake Civic Association in the Town of Pawling and includes the construction of a new stormwater infiltration system; and

WHEREAS, the proposed change order request is for Hahn to obtain two NYSDOT Permits for the stormwater practice requested by EOHWC as an addition to the original scope of work; and

WHEREAS, this change order, if approved, would increase the design cost from \$27,000 to \$32,265 with an updated efficiency of \$65,000/kg with an estimated phosphorus reduction of 3.45 kg/yr;

NOW THEREFORE IT IS HEREBY RESOLVED, by the Executive Committee of the Board of Directors of the East of Hudson Watershed Corporation that it approves the change order request from James J. Hahn Engineering, P.C. dated 7-6-15 for an additional \$5,265 for PW-343 increasing the design cost from \$27,000 to \$32,265.

Resolution to Approve Change Order for PW-342B

Proposed Change Order No. 1 is for Hahn to provide the metes and bounds for PW-342B in addition to the original scope work and will increase the design cost by \$580. Director Burdick expressed concern regarding the cost. John Belyea reported that he inquired about the easements in a conversation with Doug Hahn and was informed that Hahn Engineering does not provide metes and bounds and would have to obtain the services of a NYS licensed surveyor to do so.

Motion by Director Burdick, seconded by Director Griffin to approve change order from James J. Hahn Engineering, P.C. for PW-342B for additional permitting work in the amount of \$580; all in favor.

WHEREAS, James J. Hahn Engineering, P.C. submitted change order request No. 1 dated 7-6-15 for an additional \$580 for PW-342B in project group 2015-06 of the first five year retrofit plan; and

WHEREAS, PW-342B is located on property of the Pawling Fire District in the Town of Pawling and includes the construction of a pocket pond at 350 Route 292; stormwater runoff from the drainage area is conveyed over land to a roadside channel system on the property; and

WHEREAS, the proposed change order request is for Hahn to provide the metes and bounds for the stormwater practice requested by EOHWC as an addition to the original scope of work; and

WHEREAS, the proposed cost includes the written description by a NYS Licensed Surveyor and inclusion of the metes and bounds in the final drawings; and

WHEREAS, this change order, if approved, would increase the design cost from \$14,500 to \$15,080 with an updated efficiency of \$60,000/kg with an estimated phosphorus reduction of 1.68 kg/yr;

NOW THEREFORE IT IS HEREBY RESOLVED, by the Executive Committee of the Board of Directors of the East of Hudson Watershed Corporation that it approves the change order request from James J. Hahn Engineering, P.C. dated 7-6-15 for an additional \$580 for PW-342B increasing the design cost from \$14,500 to \$15,080.

Resolution to Approve Change Order in Part for Patterson-PA-15 A&B

Kevin notified that Executive Committee that this change order addresses the need for surveying information at Matthew Patterson Elementary School in the Town of Patterson. Originally, the school district thought that they had a survey, however, upon attempting to locate it, they found that they did

not have one in their possession. Insite Engineering has submitted a change order for the survey of both Patterson-PA-15A and Patterson-PA-15B in the amount of \$2,650 for each for a total of \$5,300.

Motion by Director Burdick, seconded by Director Parsons to approve change order from Insite Engineering for performing surveying for Patterson-PA-15 A&B in the amount of \$2,650 each for a total of \$5,300; all in favor.

WHEREAS, Insite Engineering, Surveying & Landscape Architecture, P.C. submitted a change order request dated 7-14-15 for an additional \$2,650 for Patterson-PA-15A and an additional \$2,650 for Patterson-PA-15B; and

WHEREAS, Patterson-PA-15 A&B are located on property of the Matthew Patterson Elementary School in the Town of Patterson and include construction of a grass swale and a bioretention basin; and

WHEREAS, the proposed change order request is for Insite to perform surveying to establish the property line in close proximity to the proposed stormwater practices, with the assistance of a title report to be provided by EOHWC; and

WHEREAS, the contract with Insite was based on the assumption that the School District would provide a survey map of the their property, which it has not done; and

WHEREAS, this change order, if approved, would increase the design cost for Patterson-PA-15A from \$31,500 to \$34,150 with a proposed phosphorus reduction of 1.67 kg/yr and a new efficiency of \$55,000 kg; and

WHEREAS, this change order, if approved, would increase the design cost for Patterson-PA-15B from \$31,500 to \$34,150 with a proposed phosphorus reduction of 2.38 kg/yr and a new efficiency of \$80,000 kg; and

NOW THEREFORE IT IS HEREBY RESOLVED, by the Executive Committee of the Board of Directors of the East of Hudson Watershed Corporation that it approves the change order request from Insite Engineering, Surveying & Landscape Architecture, P.C. dated 7-14-15 for an additional \$2,650.00 for Patterson-PA-15A and an additional \$2,650.00 for Patterson-PA-15B.

Resolution to Approve Change Order for PutVal-PA-02

Motion by Director Burdick, seconded by Director Parsons to approve change order for a date change in the substantial completion from August 5 to September 30, 2015 for PutVal-PA-02; all in favor.

WHEREAS, J. Robert Folchetti & Associates submitted a change order request No. 1 dated 7-20-15 for a change in the date of substantial completion from August 5 to September 30 to allow for the heat of summer to pass before the contractor is required to complete their plantings for PutVal-PA-02; and

WHEREAS, Change Order No. 1 dated 7-20-15 does not request any change in contract price, and therefore there is no change in estimated efficiency of the project; and

WHEREAS, the date the project is estimated to be ready for final payment is November 3, 2015; and

WHEREAS, the delay in final completion date is justified and will not adversely affect the completion of this project within year 5;

NOW THEREFORE IT IS HEREBY RESOLVED, by the Executive Committee of the Board of Directors of the East of Hudson Watershed Corporation that it approves the change order request from J. Robert Folchetti & Associates dated 7-20-15 for a change in the date of substantial completion from August 5 to September 30 for PutVal-PA-02.

7) Sign Reimbursement Agreement for PC-5N, 5S

Motion by Director Burdick, seconded by Director Lucas to approve agreement for reimbursement of stormwater retrofit expenses for PC-5N, 5S; all in favor.

Two copies of the Agreement for Reimbursement for Stormwater Retrofit Expenses for PC-5N, 5S were presented to Bruce Walker for Putnam County Executive's signature.

8) Sign checks and vouchers

Monthly checks and vouchers signed. No action taken.

9) Other business

Director Griffin tasked Kevin and John to come up with an aggressive inspection and reporting system for all completed projects. A physical inspection accompanied by a standardized report with pictures was requested. Additional staff may be necessary in order to initiate an effective inspection program. Targets will need to be set as to how many inspections will be done on a regular basis. A schedule should be created so that the inspections will be carried out in a reasonable time frame. We should establish a standardized reporting form for getting the information to the town, NYSDEC, NYCDEP, and for our own records. In addition, a time table or schedule of planned inspection completion dates will be necessary. Director Griffin notified the Executive Committee that Rich Williams has created a spreadsheet that shows the projects completed in each town which will help facilitate an effective discussion at the Board of Directors' Meeting on August 11, 2015. Director Burdick inquired if we were at the point where we could recommend an O & M Policy to the full board in terms of how it will be paid and what will be expected of the municipalities. Director Griffin felt that it could be accomplished relatively reasonably and should be implemented as soon as possible with both the highway departments and in-house. He noted that the O & M Policy has already been worked on extensively.

George Rodenhausen circulated an email outlining the necessary steps and documents in order to amend the funding agreements as requested by Director Griffin. Bruce walker reported that he's been in touch with Mike Meyer with regard to required expectations. Mike Meyer agreed to check with the regulatory department at NYCDEP and get back to Bruce with a definitive answer. Director Griffin stressed the importance of amending the funding agreement by December 31, 2015 and requested that Vincent Giorgio look into exactly what the NYCDEP is requiring of us so that this can be accomplished. George Rodenhausen will send a letter as "Counsel to the Corporation" to Mike Meyer outlining the details included in the email sent to the Executive Committee and will also mention that the funds will be required in order to keep EOHWC in business. Additionally, a Right of Objection letter will go along with the agreement.

10) Enter into Executive Session to discuss personnel matter, motion proposed by Director Griffin, seconded by Director Burdick, all in favor.

11) Motion to come out of Executive Session proposed by Director Burdick, seconded by Director Parsons; all in favor.

**12) Adjournment – Motion to adjourn by Director Burdick, seconded by Director Parsons; all in favor.
Adjourned 11:37 am**